

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. NEWPORT-MESA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010120902
NEWPORT-MESA UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH CASE NO. 2010110309
PARENT ON BEHALF OF STUDENT, v. NEWPORT-MESA UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2010040608 ORDER DENYING REQUEST TO VACATE HEARING DATES AND GRANTING REQUEST FOR CONTINUANCE

On February 25, 2011, the parties filed a request to vacate the hearing dates in this matter and schedule a status conference based on a “contingent final settlement agreement.” The parties requested that a status conference be scheduled in case the district’s governing board does not approve the settlement or “the educational contingencies of the agreement do not materialize.” The hearing is scheduled on February 28 through March 3, 2011.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020;

Cal. Rules of Court, rule 3.1332 .) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

Granted in part. The first day of hearing, February 28, 2011, is vacated and the hearing is continued to March 1 through March 3, 2011. The parties shall provide information OAH with the date of the board meeting at which the settlement agreement will be considered for approval and the date the parties are requesting for the status conference. This information shall be provided to OAH no later than 2:00 p.m. on February 28, 2011.

IT IS SO ORDERED.

Dated: February 25, 2011

/s/

JUDITH A. KOPEC
Presiding Administrative Law Judge
Office of Administrative Hearings